

Remarks/Arguments

Claims 1-11, 16-21, 26-40, 43, and 44 were and will continue to be pending in this application. Applicants have amended claims 1, 18 and 26 herein. A fee for a two-month extension is included herewith.

The Examiner has rejected claims 1, 3, 5, 6, 10, 11, 18, 20, 26, 29, 30, 36, 38, and 39 as anticipated under 35 U.S.C. § 102(e) in view of published U.S. Patent Application 2003/0224823 to Hurst et al. ("Hurst"). In order to a rejection under Section 102 to stand, the Examiner must demonstrate that the identical invention is "shown in as complete detail as contained in the . . . claim," and that the elements are "arranged as required by the claim . . ." MPEP § 2131. Hurst does not show the invention in as complete detail as contained in the claims, as is clear from the sections of Hurst quoted by the Examiner, which teach directly away from the invention recited in Applicants' claims.

All Applicants' claims, as amended, either directly or through dependency, recite sending a registration message, "while allowing use of the licensed software package without requiring permission so that the registering of the licensed software package is substantially transparent to the user . . ." Support for the added portion of this recitation can be found in the specification in paragraphs [0014] and [0015]. Hurst does not disclose or suggest this concept. Applicants' independent claims, as well as all dependent claims rejected under Section 102, are patentably distinguishable from Hurst for at least this reason.

The Examiner has cited paragraphs 32, 35-37, 47-49 and 56-58 of Hurst in rejecting these claims. However, these paragraphs disclose a system in which *activation*, rather than *registration* is required. Such activation is NOT transparent to the user and requires a response from the server in order to unlock the content. Hurst repeatedly refers to an "attempt" to access the secured content, and further teaches that the user must agree that they wish to use the content. See Hurst, paragraph [0048]. Such a process is clearly not transparent to the user and does not allow use of the content without requiring permission, thus teaching away from Applicants' claimed invention. With the system of Hurst, a message must be returned to the terminal to ensure that the user is authorized to use the content. See Hurst, paragraph [0032]. Such a message, for example, can provide a "rights file" to the terminal from a rights database. See

Hurst, paragraph [0039]. Again, these concepts are the opposite of, "allowing use of the licensed software package without requiring permission."

The Examiner has further rejected claims 2, 8, 9, 16, 17, 19, 27, 32, 33, 37 and 44 under 35 U.S.C. § 103(a) as being obvious in view of Hurst in combination with U.S. Patent 5,517,568 to Grube et al. Additionally, the Examiner has rejected claims 7, 31, and 40 under 35 U.S.C. § 103(a) as being obvious in view of Hurst in combination with U.S. Patent 5,148,472 to Freese et al. In order to establish the obviousness of a claim, the Examiner must show that teaching corresponding to *all* of the claim limitations are present in or suggested by the prior art. M.P.E.P. § 2143.03. Since the Examiner looks to Hurst for the recitations of the base claims which are included in all of these claims through dependency, all claims rejected under Section 103 are patentable for at least the same reasons discussed above.

Applicants submit that they have responded to all concerns raised by the Examiner. Reconsideration of the application as amended is hereby requested.

Respectfully submitted,

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